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*Counsel for Defendant Meta Platforms, Inc.*

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IRON TRIBE FITNESS, on behalf of itself  
and all others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

) Case No. 3:25-cv-03281-CRB

) **DECLARATION OF ANDREW YAPHE**  
) **IN SUPPORT OF DEFENDANT**  
) **META PLATFORMS, INC.'S**  
) **ADMINISTRATIVE MOTION FOR**  
) **RELIEF FROM CASE MANAGEMENT**  
) **SCHEDULE**

) Courtroom: 6, 17<sup>th</sup> Floor  
) Before the Honorable Charles R. Breyer

1 I, Andrew Yaphe, hereby declare and state as follows:

2 1. I am a counsel at the law firm Davis Polk & Wardwell LLP, attorneys for Defendant  
3 Meta Platforms, Inc. (“Meta”) in the above-captioned matter, and I am admitted to practice in this  
4 Court. I submit this declaration in support of Meta’s Administrative Motion for Relief from Case  
5 Management Schedule. I have personal knowledge of the facts set forth below, and I could and  
6 would competently testify to the following if called upon to do so.

7 2. On June 26, 2025, counsel for Meta informed counsel for plaintiff that Meta was  
8 planning to move to stay discovery pending resolution of Meta’s motion to dismiss and asked for  
9 plaintiff’s position. Counsel for Meta also told counsel for plaintiff that, if counsel for plaintiff  
10 were unwilling to agree to such a stay, a short postponement of the initial case management con-  
11 ference would be warranted so that Meta’s motion to stay discovery could be fully submitted in  
12 advance of the initial case management conference.

13 3. Counsel for Meta and counsel for plaintiff met-and-conferred on June 27, 2025  
14 pursuant to Rule 26(f). During that conference, counsel for plaintiff stated that they did not agree  
15 to a stay of discovery and would oppose Meta’s motion to stay discovery.

16 4. On June 30, 2025, counsel for plaintiff informed counsel for Meta that plaintiff was  
17 only willing to agree to the three-week postponement of the case management conference proposed  
18 by Meta if Meta in turn would agree (among other things) that the parties could issue discovery  
19 and if Meta would timely respond to what plaintiff described as plaintiff’s forthcoming discovery  
20 requests.

21 5. Meta will serve its initial disclosures on or before the current deadline of July 11,  
22 2025.

23 6. Meta will work with plaintiff to submit the joint case management statement by  
24 July 11, 2025.

25 7. The Court has previously issued the following time modifications in this case:  
26 granting the parties’ stipulation to extend Meta’s time to respond to plaintiff’s complaint, which  
27 also extended the deadlines for filing the opposition and reply to Meta’s motion to dismiss. *See*  
28 Dkt. No. 18.

8. Meta's request to continue the case management conference will not affect any currently pending deadlines other than the case management conference itself.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2nd day of July, 2025 in Menlo Park, California.

/s/ Andrew Yaphe  
Andrew Yaphe